

REMARKS/ARGUMENTS

The Office Action mailed January 14, 2004 has been carefully reviewed. Reconsideration of this application, as amended and in view of the following remarks, is respectfully requested. The claims presented for examination are: claims 11-16. Claims 1-10 stand "withdrawn" as directed to a non-elected group.

35 USC 102(b) Rejection

In numbered paragraph 2 of the Office Action mailed January 14, 2004, claims 11-16 were rejected under 35 USC 102 (b) as allegedly being anticipated the Chow reference (U.S. Patent No. 6,167,910).

Response to 35 USC 102(b) Rejection

Applicant respectfully submits that the Chow reference does not show elements of amended claims 11-16 now presented for examination. In particular, the Chow reference does not show Applicants' claim elements "annealing said etched substrate and said annealed substrate to form an annealed microchannel in said annealed substrate over said etched microchannel in said etched substrate and bonding said etched substrate to said annealed substrate forming a bond connecting said etched substrate and said annealed substrate, wherein said etched microchannel and said annealed microchannel comprise said sealed microchannel."

The Chow reference does not show "an annealed microchannel" as claimed in Applicants' amended claims and described in Applicants' specification. As described in paragraph [0020] of Applicants specification, "Finally, step 3, as shown in Figure 3, involves annealing the bonded device or part of Figure 2 at a sufficiently high temperature such that the glass in fused device 14, composed of substrate 10 and in cover or top plate 12, softens, increasing diffusion rates. When held at temperatures for a long enough time (2

to 24 hrs.), the microchannel cross-section will eventually become circular to lower its overall surface energy. This results in an end produce or glass device 14 having a circular microchannel 15, sealed therein, as shown in Figure 3."

As stated in Verdegaal Bros. v. Union Oil Co. of California, 814 F.2<sup>nd</sup> 628, 631 USPQ 1051, 1053 (Fed. Cir. 1987), "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." Since structural elements of amended claims 11-16 now presented for examination are not shown by the Chow reference, the rejection is unsupported by the art and should be withdrawn.

SUMMARY

The undersigned respectfully submits that, in view of the foregoing amendments and the foregoing remarks, the rejections of the claims raised in the Office Action dated January 14, 2004 have been fully addressed and overcome, and the present application is believed to be in condition for allowance. It is respectfully requested that this application be reconsidered, that the claims be allowed, and that this case be passed to issue. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to call the undersigned attorney at (925) 424-6897.

Respectfully submitted,



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